

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ELI BRIDGE, on behalf of Andrew Bridge, a)	
minor, by his next friends and parents, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-22-00787-JD
)	
OKLAHOMA STATE DEPARTMENT OF)	
EDUCATION, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is State Defendants’ Motion to Strike Plaintiffs’ Amended Notice of Supplemental Authority (“Motion”) [Doc. No. 81]. State Defendants ask the Court to strike Plaintiffs’ Amended Notice of Supplemental Authorities [Doc. No. 79] or alternatively permit them to respond to the Notice. Plaintiffs filed a Response in opposition. [Doc. No. 83].

State Defendants argue not that Plaintiffs’ Notice itself contains argument but that the Statement of Interest filed by the United States Department of Justice in *Poe v. Drummond*, N.D. Okla. Case No. 23-cv-177-JFH-SH is a “non-party brief,” which is not an “authority” under Local Civil Rule 7.1(m). Motion at 1–3. Plaintiffs respond by explaining that the “Statement of Interest is the official policy position of the United States” submitted in *Poe* pursuant to 28 U.S.C. § 517. Response at 2.

State Defendants have not shown that the Notice should be stricken, in part or in whole. While the Court agrees that the typical legal brief from another case would not fit

the meaning of “authority” in Local Civil Rule 7.1(m), it disagrees with State Defendants that the Statement of Interest is a typical legal brief. As Plaintiffs explain, it is the current official statement of the United States regarding its interest in the *Poe* case.

State Defendants thus have identified no reason to strike the Statement of Interest or to provide argument in response to it. But the Court finds that State Defendants should be permitted to provide notice of the State of Oklahoma and related parties’ response to the United States’ Statement of Interest in *Poe*. Accordingly, the State Defendants’ Motion to Strike Plaintiff’s Amended Notice or Supplemental Authority [Doc. No. 81] is **DENIED** in part and **GRANTED** in part. State Defendants’ may file as a notice of supplemental authority the State’s response to the United States’ Statement of Interest in *Poe* within 7 days of this Order. Any such notice should not contain argument.

IT IS SO ORDERED this 14th day of August 2023.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE